

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:17-CV-00652**

SNYDER'S-LANCE, INC. and PRINCETON
VANGUARD, LLC,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

**DECLARATION OF DIANA RAUSA IN
SUPPORT OF DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

I, Diana Rausa, declare as follows:

1. I am a paralegal employed by the law firm of Pirkey Barber PLLC, which represents Frito-Lay North America, Inc. ("Defendant") in this case.

2. Attached is an Index of Exhibits in support of Defendant's Motion for Summary Judgment. These exhibits comprise documents from the U.S. Trademark Trial and Appeal Board Opposition numbers 91190246 and 91195552.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the November 15, 2004 Office Action regarding Trademark Application Serial Number 78/405,596, which I accessed through the U.S. Patent and Trademark Office's website at <http://tsdr.uspto.gov> on August 28, 2018.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the May 11, 2005 Response to Office Action regarding Trademark Application Serial Number 78/405,596, which I accessed through the U.S. Patent and Trademark Office's website at <http://tsdr.uspto.gov> on August 28, 2018.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Trademark Application Serial Number 76/700,802, filed December 11, 2009, which I accessed through the U.S. Patent and Trademark Office's website at <http://tsdr.uspto.gov> on August 28, 2018.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the December 10, 2010 Order issued by the U.S. Trademark Trial and Appeal Board consolidating Cancellation number 92053001 with Opposition numbers 91190246 and 91195552 [30 TTABVUE – Opposition No. 91195552], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the May 19, 2011 Order issued by the U.S. Trademark Trial and Appeal Board noting Applicant Princeton Vanguard's abandonment of U.S. Trademark Application Serial Number 77/192,054 and assigning Opposition number 91195552 as the parent case [11 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the Parties' Stipulated Trial Procedure and Deadlines filed on October 9, 2012 in Opposition number 91195552 [48 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the October 10, 2012 Order issued by the U.S. Trademark Trial and Appeal Board granting the Parties' Stipulated Trial Procedure and Deadlines in Opposition number 91195552 [50 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

10. Attached hereto as **Exhibit 8** are true and correct copies of excerpts from the Declaration of Paul Madrid in Support of Opposer Frito-Lay North America, Inc.'s Response to Applicant's Motion for Summary Judgment filed on June 14, 2012 in Opposition number 91195552 [40 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the Specimen to Trademark Application Serial Number 78/405,596, which I accessed through the U.S. Patent and Trademark Office's website at <http://tsdr.uspto.gov> on August 28, 2018.

12. Attached hereto as **Exhibit 10** are true and correct copies of excerpts from Opposer Frito-Lay North America, Inc.'s Response to Applicant's Motion for Summary Judgment filed on June 14, 2012 in Opposition number 91195552 [46 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

13. Attached hereto as **Exhibit 11** are true and correct copies of excerpts from Opposer Frito-Lay North America, Inc.'s Response to Applicant's Motion for Summary Judgment filed on June 14, 2012 in Opposition number 91195552 [49 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

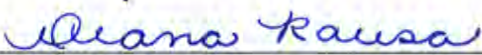
14. Attached hereto as **Exhibit 12** are true and correct copies of excerpts from Opposer Frito-Lay North America, Inc.'s Response to Applicant's Motion for Summary Judgment filed on June 14, 2012 in Opposition number 91195552 [47 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

15. Attached hereto as **Exhibit 13** are true and correct copies of excerpts from Opposer Frito-Lay North America, Inc.'s Motion for Summary Judgment filed on September 10, 2010 in Opposition number 91190246 [19 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

16. Attached hereto as **Exhibit 14** are true and correct copies of excerpts from Applicant Princeton Vanguard, LLC's Motion for Summary Judgment filed on May 21, 2012 in Opposition number 91195552 [36 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

17. Attached hereto as **Exhibit 15** are true and correct copies of excerpts from Applicant Princeton Vanguard, LLC's Motion for Summary Judgment filed on May 21, 2012 in Opposition number 91195552 [37 TTABVUE], which I accessed through the U.S. Trademark Trial and Appeal Board Inquiry System's website at <http://ttabvue.uspto.gov> on August 28, 2018.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of August 2018 in Austin, Texas.


Diana Rausa